

Town of Shrewsbury - Board of Selectmen
Richard D. Carney Municipal Office Building-Selectmen's Meeting Room
100 Maple Avenue
Monday, January 3, 2005 at 7:00 PM

Minutes

Present:

Bruce Card, Maurice DePalo, Thomas Fiore, Philip Hammond, John Lebeaux, and Daniel Morgado, Town Manager. Mr. DePalo called the meeting to order at 7:03pm.

Preliminaries:

1. Approve bills, payrolls and warrants #0549 in the amount of \$284,375.98, #0551 in the amount of \$1,740,385.24, #0552 in the amount of \$3,260,184.64, and #0554 in the amount of \$1,661,089.08.
2. Approve Minutes of December 20, 2004. Motion made, seconded and unanimously voted to approve.
3. Announcements – No announcements.
4. Town Manager's Report – Mr. Morgado advised that bid on the property at 52 Holden Street will be opened this Wednesday, January 5, 2005. There is still an opportunity to submit a bid up until Wednesday.

Meetings:

Public Hearings:

5. 7:05pm – Peterson Subway, Inc., 373 Maple Avenue, Kevin Peterson, owner, Common Victualler's License. Hours of operation Sunday to Saturday 8:00am to 11:00pm. Mr. Peterson was present. Mr. DePalo reviewed the application and reports from department heads. He asked Mr. Peterson to explain his plans for this business. Mr. Peterson said he planned no changes at this time but later this year he would like to do some general renovations with no physical changes. Mr. DePalo opened the hearing to the public and as there were no comments motion was made, seconded and unanimously voted to close the hearing. Motion was made to approve the application of Kevin Peterson for a Common Victualler's License for Peterson Subway, 373 Maple Avenue for the hours as stated in the application. Copy of Disabilities Commission memo to be given to Mr. Peterson. Motion seconded and unanimously approved.
6. 7:30pm – E.A. Cars, Inc. d/b/a Shrewsbury Sport Motors, Inc., 295 Hartford Turnpike, Elie Abdilmasih, President, Class II License for sales of used automobiles. Hours of operation: Monday to Saturday 9:00am to 9:00pm, Sunday 10:00am to 5:00pm. Mr. Abdilmasih and Atty. Kevin Byrne were present. As a holder of a Class II License, Mr. Fiore recused himself from the discussion in order to avoid the appearance of conflict of interest. Mr. DePalo reviewed the application and department head reports. Atty. Byrne advised the Board that Mr. Abdilmasih had no plans to change the operations of the business. He has a lease from the property owner and is waiting for his workmen's compensation insurance policy. When the policy is received a copy will be submitted to the Board. After a discussion Mr. Depalo advised the applicant that ZBA restrictions of 8/13/80 and 6/16/93 would apply. Also, the current owner would have to turn in his Class II license and the property owner would have to clear up any outstanding taxes on the property before this license could be issued. Mr. DePalo opened the hearing to the public and as there was no comment; motion was made, seconded and voted four in favor with one abstention to close the hearing. Motion was made to approve the application as stated for a Class II License for Shrewsbury Sport Motors, Elie Abdilmasih, owner, contingent upon present owner turning in his Class II License, receipt of workmen's compensation insurance certificate and payment of outstanding taxes by property owner. ZBA restrictions of 8/13//80 and 6/16/93 to apply. Motion was seconded and voted four in favor with one abstention.

Old Business:

7. Plowing of Private Sub-Division Streets. Mr. Fiore reviewed the policy statement put together by the working group which incorporated suggestions made by the Board at the last meeting. He said that they had consolidated the draft policy presented on December 20th and the suggestions into one statement rather instead of two. Unaccepted subdivision roads not currently receiving service as of January 1, 2005 will become responsibility of Developers. Date that unaccepted subdivision roads currently receiving service will become responsibility of

Developers has been changed from November 15, 2006 to November 15, 2005. List of roads to be plowed by Developers must be received by Town Engineering and Highway Depts. by September 15th instead of November 15th each year. Developers must submit winter maintenance operation plans for subdivisions to the Town by October 15th instead of November 15th each year. These plans must be approved by the Superintendent of Streets. Home owners in subdivisions must be notified by certified mail by Developers by October 15th instead of November 15th that the Developer will be responsible for winter services. Copies of the winter maintenance plan must be provided to home owners. All returned receipts to be returned to the Town by November 15th. Motion was made by Mr. Lebeaux, seconded by Mr. Card and unanimously voted to adopt Policy #17 to set standard for the winter maintenance of unaccepted subdivision streets.

8. Sign Amendment to Traffic Rules & Orders Art. 8, Sec. 3 - Penalties. Board voted to adopt the amendment at the December 20th meeting. Orders to be signed only.
9. Letter to Rep. Polito from Hannah Kane, SDC Chair, re Allen property. This item was held over from the last meeting. After a short discussion on whether portions of the Allen property should be leased for farming purposes, Board decided to hold for further discussion at the next meeting. Mr. Morgado will contact Town Counsel for information and Board will meet with Shrewsbury Development Corporation prior to that meeting.

New Business:

10. Reappoint Town Accountant Mary E. Thompson for a term of three years expiring December 31, 2007. Motion was made, seconded and unanimously voted to reappoint Mary Thompson as Town Accountant for a term of three years expiring on December 31, 2007.
11. Review Draft Warrant - Special Town Meeting. Mr. Morgado reviewed the Warrant. Article 1 – amends the Town by-law relative to the change in percentage of residents constituting representative town meeting due to census allowing these changes to be approved by the Board of Selectmen instead of requiring a special Town Meeting. Article 2 – change the day of the annual town election. Mr. Morgado recommended holding this article for the Annual Town Meeting in May. Article 3 – relative to change in the taxpayer contribution to sewerage and sewerage disposal. Article 4 – relates to transfer funds for Title V Loan repayment. Article 5 – provision to provide annuities for police officers and firefighters killed in the line of duty. Primarily on call firefighters. Article 6 – acceptance of parcel of land from Shrewsbury Hills developer. Article 7 – acceptance of an easement on Oak Street. Article 2 will be deleted and warrant will be ready for signatures at the January 10th meeting.

Mr. DePalo advised that the Annual MMA Meeting and Trade Show is scheduled for this coming weekend January 7-8, 2005 in Boston. Materials regarding resolutions have been received and there does not appear to be anything crucial scheduled for a vote. Therefore, the Board will wait to see if anything is added at the meeting and vote at that time.

Mr. Lebeaux, the Board's representative on the Sherwood Middle School Building Project, reported on the project status. Due to projected changes in school enrollment and uncertainty of state aid due to the lack of regulations from the new state school building authority the building committee decided to postpone decisions on this project until 2009 or 2010. Mr. Morgado added that the new authority is scheduled to release draft funding regulations by the end of 2005 with a final version in July 2006 and projects would begin to be accepted in the following year. Until funding is settled it makes sense to postpone the project.

Executive Session:

12. Collective bargaining and value of real property. Motion was made, seconded, and unanimously voted to adjourn into executive session at 8:25pm and not to reconvene for the purpose of discussion of value of real property. The Board was polled, Mr. Fiore, yes, Mr. Card, yes, Mr. Hammond, yes, Mr. DePalo, yes, and Mr. Lebeaux, yes.

Communications:

13. Noted copy mailed: Memo from Mr. Morgado re Final MOU – Sediment Study. No changes.
14. Noted copy mailed: Memo from Mr. Morgado re WRTA – Comprehensive Service Redesign. The WRTA has been operating at a loss for several years this service redesign is a result.
15. Noted copy mailed: Letter from Rep. Polito to Mass. School Bldg. Authority Exec. Director, Katherine Craven re her appointment.
16. Noted copy mailed: Memo from Angela Snell, Director of Parks & Recreation re fees for the Corrizzini boat ramp. Ms. Snell recommended that fees for daily use of the Corrizzini boat ramp be increased from \$5.00 to \$8.00. Motion was made, seconded and unanimously voted to endorse the Parks & Cemetery Commission

recommendation to increase the daily fee for use of the Corrizzini State boat ramp from \$5.00 to \$8.00 for the 2005 season.

17. Noted copy mailed: ZBA Hearing Agenda, 1/11/05.
18. Noted copy mailed: ZBA Hearing Minutes, 11/23/04, Craig & Sue Phyfe, 93 Main Blvd.
19. Noted copy mailed: Notice from EPA of Enforcement Conference - Worcester Sand & Gravel Co., Inc.
20. Noted copy mailed: Notice from Lt. Gov. Kerry Healey re Governor's FY 06 Budget Discussion. Unable to attend due to conflict with the Annual MMA Meeting.
21. Noted copy mailed Invitation from Mass. Selectmen's Assoc. to Annual Statewide Town Mtg. in conjunction with MMA Annual Mtg. & Trade Show.
22. Noted copy mailed: Letter from Rep. Polito to Dept. of Mental Retardation Commissioner Gerald Morrissey, Jr. re Galvin Center land. Letter confirms discussions relative to use of remaining Glavin Center land being used for soccer fields and farming purposes.
23. Noted copy mailed: Notice from Arc of Innovation re Regional Housing Summit.
24. Noted copy mailed: Notice from Wild & Scenic River Stewardship Council of RiverFest 2005. (brochure on file in office)
25. Noted copy mailed: Notice from Dept. of Agricultural Resources re meetings in Worcester County.
26. Noted copy mailed: Snow Storm Report 12/19 & 20, 2004 from Highway Supt. John Knipe.
27. Noted copy mailed: Water Management Act Draft Permit for Shrewsbury Water Dept. for a withdrawal in the Blackstone River Basin & Findings of Fact in Support of the Draft Permit Decision. Mr. Morgado advised that a meeting is scheduled with Tata & Howard this week and he will have a breakdown for the Board at the next meeting.
28. Noted copy mailed: E-mail re Lake St. MEPA review meeting from Waterman Design Associates.
29. Noted copy mailed: School Committee Meeting Agenda, 1/5/05.
30. Noted copy mailed: Memo from CMRPC re Development of 2006 to 2010 TIP Document. Shrewsbury will be submitting projects for consideration.

Motion was made, seconded, and unanimously voted to adjourn into executive session at 8:25pm and not to reconvene for the purpose of discussing value of real property. On a roll call vote Mr. Fiore, yes, Mr. Hammond, yes, Mr. Card, yes, Mr. Lebeaux, yes, and Mr. DePalo, yes.

Respectfully submitted,

Janice C. McCoy
Secretary